

**0PD-0395-20**

**NICOLE P. SELECTMAN**

§

**IN THE COURT**

FILED

COURT OF CRIMINAL APPEALS

12/29/2020

DEANA WILLIAMSON, CLERK

**VS.**

§

**OF CRIMINAL APPEALS**

§

**STATE OF TEXAS**

§

**OF TEXAS**

**MOTION TO EXTEND TIME TO FILE APPELLANT'S BRIEF**

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, appellant, NICOLE P. SELECTMAN, who, by and through the undersigned lead counsel of record, and pursuant to T.R.A.P. 10.5(b), respectfully moves this Court to extend the time for filing appellant's brief, and in support thereof would show this Honorable Court the following:

**I. Procedural History.**

After appellant's first jury hung eleven [11] to one [1] in favor of acquittal, a second jury convicted appellant on June 14, 2018 of causing serious bodily injury to a dating, household, or family member. Following the punishment verdict on June 15, 2018, the trial court sentenced appellant to ten [10] years' imprisonment and no fine. Appellant timely filed notice of appeal on August 6, 2018 and all briefs were file-stamped by June 23, 2019.

The court of appeals filed a memorandum opinion affirming appellant's conviction and sentence on March 25, 2020. Appellant timely filed a motion for

*en banc* reconsideration, which the intermediate appellate court denied on May 22, 2020. This Honorable Court granted discretionary review on November 25, 2020.

## **II. Deadline for Filing Appellant's Brief.**

Appellant's brief is currently due December 28, 2020. The instant motion is thus timely. TEX. R. APP. P. 4.1(b); 10.5(b)(1).

## **III. Length of Extension Sought.**

Appellant seeks an extension of thirty [30] days, until Wednesday, January 27, 2021 to file appellant's brief.

## **IV. Facts Relied on To Support An Extension.**

The primary reasons for delay in filing appellant's brief is that counsel: (1) has recently been assigned additional duties of filing applications for writs of habeas corpus on behalf of inmates held in the Bexar County Jail for more than ten [10] days based solely on out-of-county warrants; and (2) missed an entire week of work recently in order to move counsel's residence.

## **V. Number of Previous Extensions Granted.**

No other extension to file appellant's brief has been requested or granted.

## **VI. Prayer.**

WHEREFORE, PREMISES CONSIDERED, appellant hereby respectfully requests an extension of thirty [30] days, until Wednesday, January 27, 2020 to file appellant's brief.

Respectfully submitted,

Dean A. Diachin

DEAN A. DIACHIN

Bexar County Assistant Public Defender

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ATTORNEY FOR APPELLANT.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing motion to extend time to file appellant's brief has been electronically served on the Bexar County District Attorney's Office, Appellate Division, Paul Elizondo Tower, 101 W. Nueva St., Suite 710, San Antonio, Texas 78205, on December 28, 2020.

Dean A. Diachin

DEAN A. DIACHIN

Bexar County Assistant Public Defender.

### **Automated Certificate of eService**

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Dean Diachin on behalf of Dean Diachin  
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Associated Case Party: State of Texas

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